

**BellSouth Corporation**  
Suite 900  
1133-21st Street, N.W.  
Washington, DC 20036-3351  
  
kathleen.levitz@bellsouth.com

**Kathleen B. Levitz**  
Vice President-Federal Regulatory  
  
202 463 4113  
Fax 202 463 4198

September 5, 2003

Ms Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 95-116

Dear Ms Dortch:

This is to inform you that on September 4, 2003, I met with Jeff Dygert of the Commission's Office of General Counsel and that on September 5, 2003, I had a subsequent telephone conversation with Mr. Dygert. During both the meeting and the telephone call, I explained why prior to granting CTIA's requested relief regarding intermodal porting "outside of the rate center," the Commission must undertake a further rulemaking to determine the administrative rules that should govern intermodal portability, in particular, what intermodal "local number portability" means and should refer technical issues relating to the CTIA request to the NANC for its prompt consideration and recommendations. In particular, I explained how the existing rules imposed no competitive disparity between wireline competitors, but that granting the CTIA proposal would lead to a significant competitive disparity.

During the meeting I reviewed the existing rules governing the scope of ILECs' obligation to port telephone numbers, in particular Section 52.26(a) of the Commission's rules, Section 7.3 of Appendix C of the report of NANC's Local Number Portability Administration Selection Working Group, dated April 25, 1997, and the Report from the Wireless Wireline Integration Task Force to the North American Numbering Council, dated January 20, 1998. The latter Report summarizes the Commission's Policy Objectives for Numbering relevant to the CTIA request: (1) Administration of the [North American Numbering Plan] should not unduly favor or disadvantage any particular industry segment or group of consumers and (2) Administration of the [North American Numbering Plan] should not unduly favor one technology over another.

I explained that at the present time, the rules governing porting between wireline competitors enable either BellSouth or any of the wireline CLECs with which it competes to port the numbers of any of the other's customers that elect to switch service providers. In other words, if BellSouth wins one of its CLEC competitors' customers, that customer can port his telephone number to BellSouth and, conversely, if the CLEC wins one of BellSouth's customers, that customer too can port his number to his new service provider. Because of significant differences between BellSouth's and wireless carriers' network architecture, operation support systems ("OSS") and the state regulations by which BellSouth is governed, however, the ability of these competitors to compete for customers is not symmetric. If a wireless carrier's customer sought to shift his service to BellSouth, that customer could port his wireless telephone number to BellSouth only if the customer's residence or place of business lay within the same rate center as the one with which his wireless telephone number was associated. Thus without significant changes to its software and state regulations governing the definition of what is a local call and what is a toll call, BellSouth would be at a disadvantage, one it would share with other ILECs, in competing against wireless carriers if intermodal porting is required under the current rules. My explanation of the disparities relied in part upon the attached diagrams

During the meeting Mr. Dygert asked whether BellSouth could offer an interpretation of "porting within the rate center" that could overcome the competitive disparity described above. In my telephone conversation with him on September 5, I told him that unfortunately BellSouth could not offer a reasonable interpretation of that term that would not place either the wireline segment of the industry or the wireless segment of the industry at a disadvantage. This has led BellSouth to the conclusion that the Commission cannot proceed to require intermodal portability until it addresses the issues arising because of the differences in network architecture, OSS and regulatory requirements that distinguish the ILECs and their wireline competitors from wireless carriers.

In accordance with Section 1.1206, I am filing this notice electronically and request that you please place it in the record of the proceeding identified above. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen B. Levitz".

Kathleen B. Levitz

Attachment

cc: Jeff Dygert

## Framework for Discussion

### Wireline Notes:

Each ILEC defines its own originating calling area which may encompass multiple rate centers

Wireline LEC obtains NPA/NXX for each rate center.

Wireline calls within a LCA are local.

Wireline calls across LCAs are toll.

LECs may have multiple switches in RC.

### Wireless Notes:

Wireless carriers define their LCAs to meet competitive needs.

A CMRS switch serves multiple RCs & LCAs

CMRS providers do not obtain a NXX for each rate center.

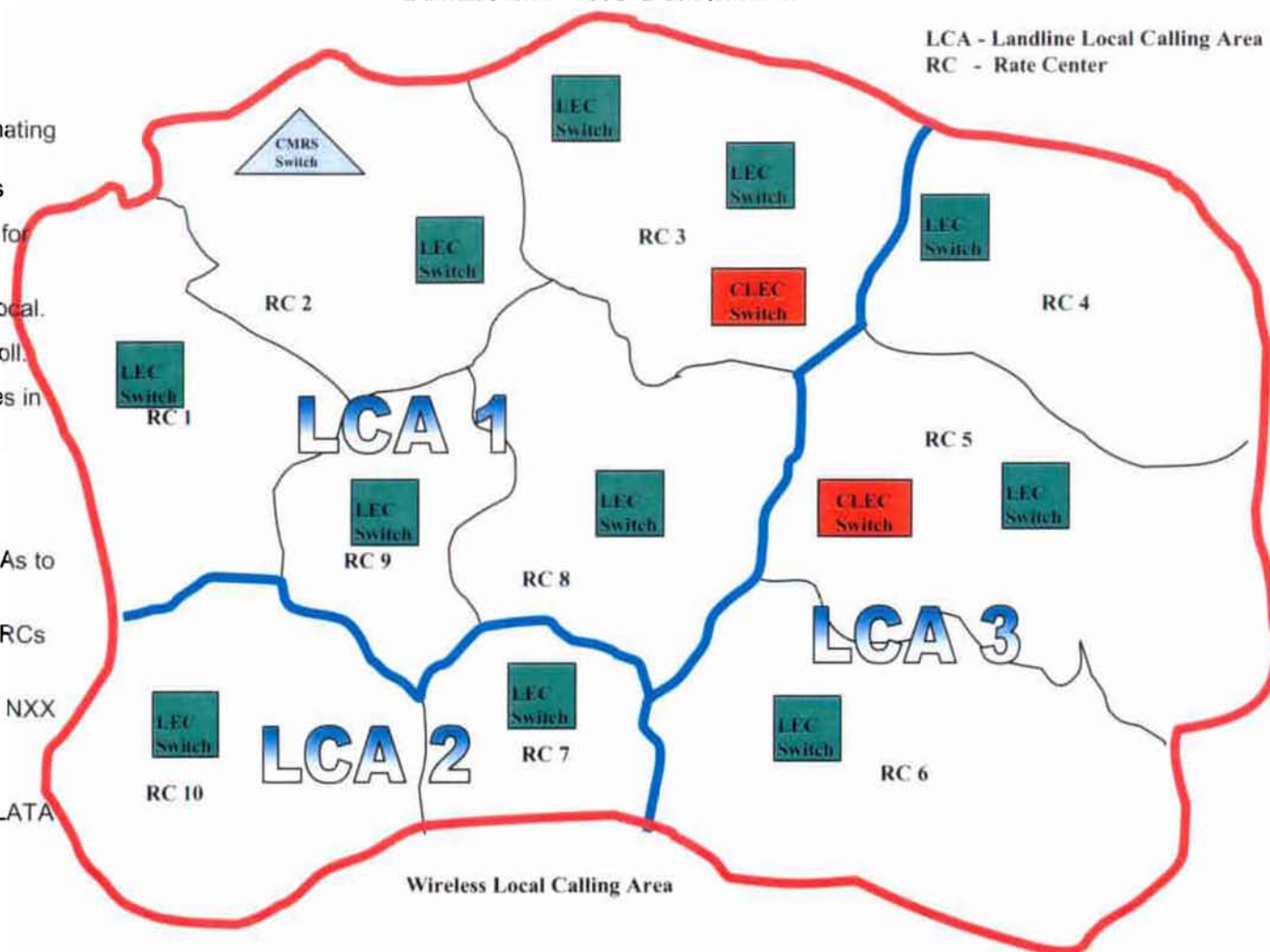
Each wireless carrier has an interconnection point within the LATA for an ILEC to send it traffic.

### General Assumption:

Each switch has a unique LRN.

Wireline portability is restricted to the rate center.

BST calls are rated on the NPA-NXX of the dialed call.



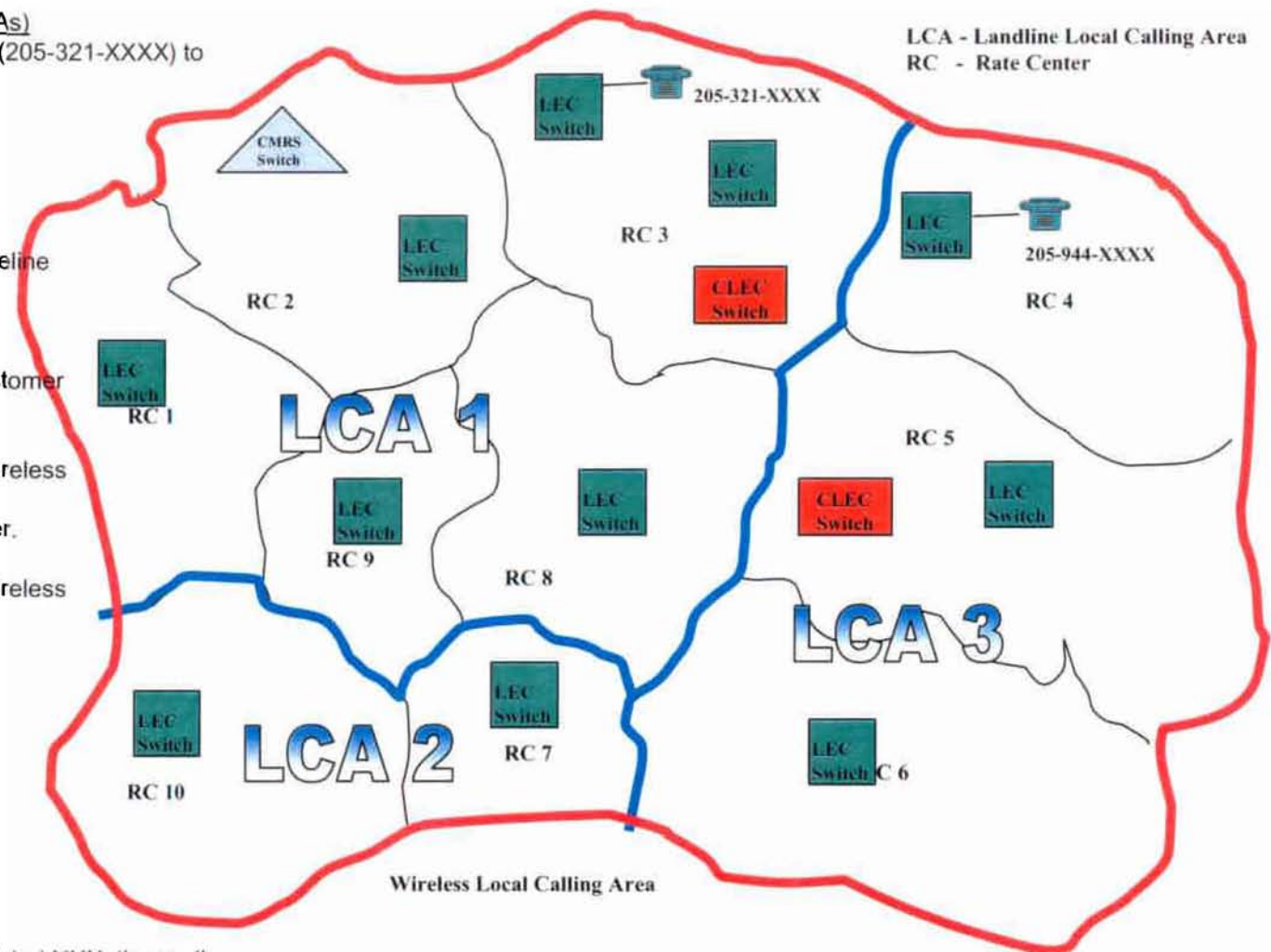


**Scenarios #1: (Intra LATA / Intra LCAs)**

Wireline customer in RC 3 ports TN (205-321-XXXX) to CMRS provider with Switch in RC2

**Calling Scenarios:**

1. Wireless customer with ported wireline TN calls wireline customer in RC3.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC 3 calls wireless customer with ported TN ported (205-321-XXXX) to CMRS provider.
4. Wireline customer in RC 2 calls wireless customer with ported TN ported (205-321-XXXX) to CMRS provider



**Notes:**

1. If calls are rated based on the dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits.
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.

### Scenarios #2: (Intra LATA / Inter LCAs)

Wireline customer in RC 4 ports TN (205-9444-XXXX) to CMRS provider with Switch in RC2

#### Calling Scenarios:

1. Wireless customer with ported wireline TN calls wireline customer in RC4.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC4 calls ported TN.
4. Wireline customer in RC2 calls ported TN (205-9441-XXXX).

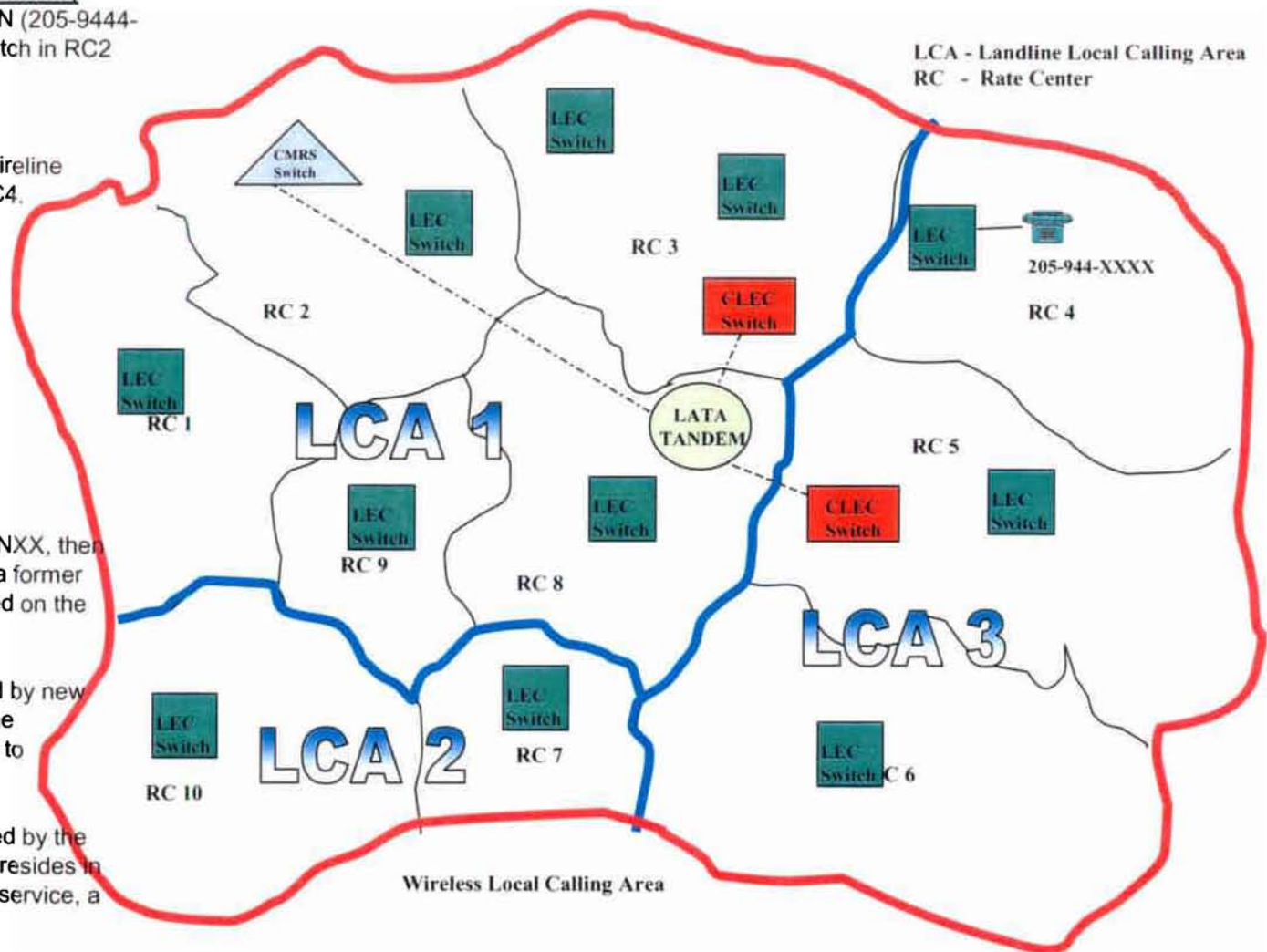
#### Notes:

1. If calls are rated based on dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.
3. If exiting wireless customer served by the CMRS switch in RC2 physically resides in RC4 and wishes to have wireline service, a number change is required.

#### Discussion:

A wireline customer who resides in RC 4 ports their TN to the CMRS provider and, after the port, physically moves to RC 2.

Wireline customer in RC2 calls the wireless customer with ported TN (now physically residing in RC2).





### Scenarios #3 (Inter LATA / Inter LCAs)

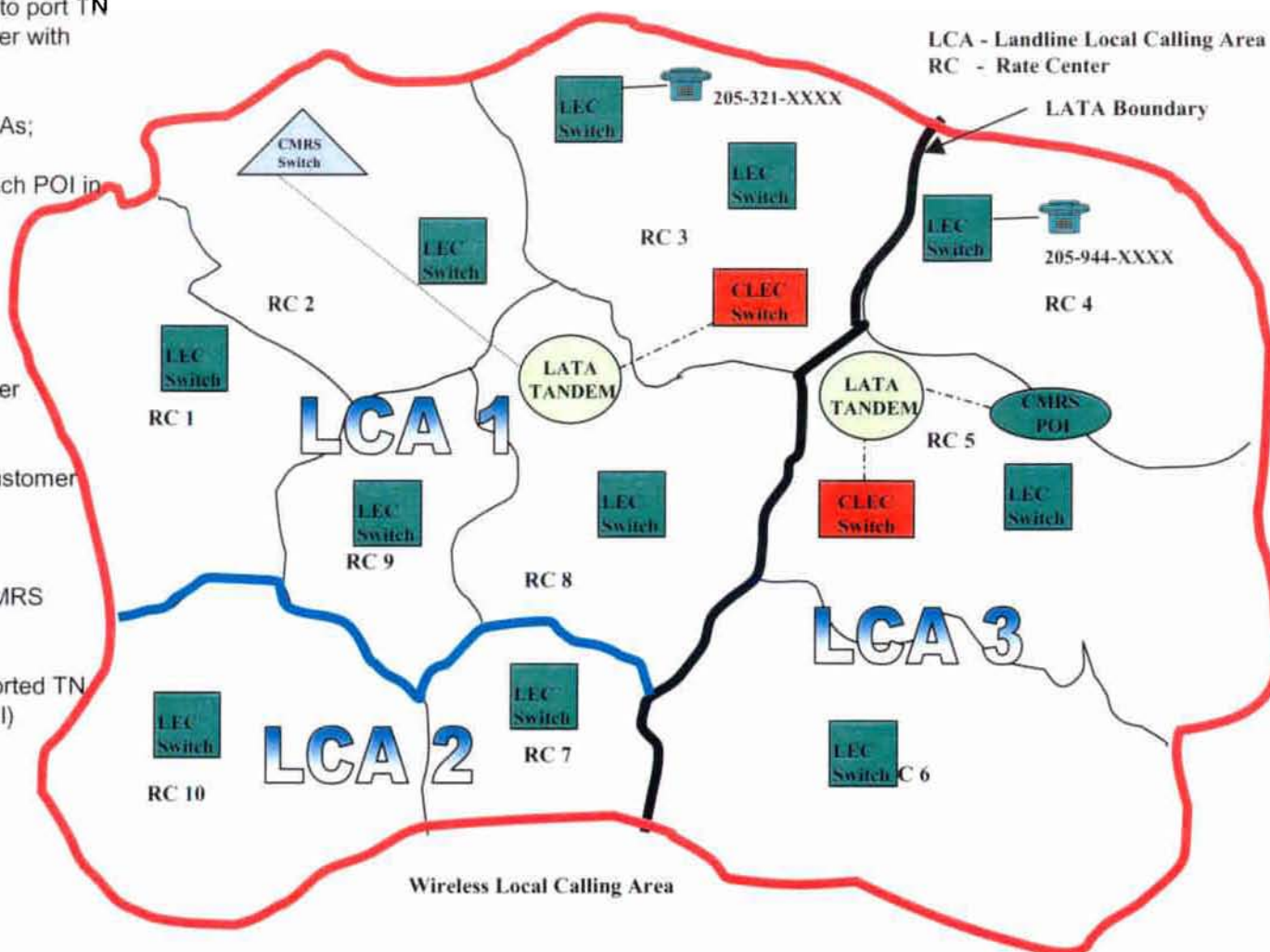
Wireline customer in RC 4 wishes to port TN (205-9444-XXXX) to CMRS provider with Switch in RC2;

CMRS Switch serves multiple LATAs;

CMRS Provider has an LRN for each POI in LATA.

#### Calling Scenarios:

1. Wireless customer with ported wireline TN calls wireline customer in RC4.
2. Ported customer calls wireline customer in RC 2.
3. Wireline customer in RC4 calls TN ported (205-944-XXXX) to CMRS provider.
4. Wireline customer in RC3 calls ported TN 205-9441-XXXX. (Inter LATA Call)  
Customer dials 1+ and IXC is responsible for LNP query.



#### Notes:

1. If calls are rated based on dialed NXX, then calls from wireline customers to a former wireline customer are billed based on the dialed digits
2. It is assumed that calls originated by new wireless customer (ported wireline customer) will be billed according to wireless calling plan.
3. If exiting wireless customer served by the CMRS switch in RC2 physically resides in RC4 and wishes to have wireline service, a number change is required.